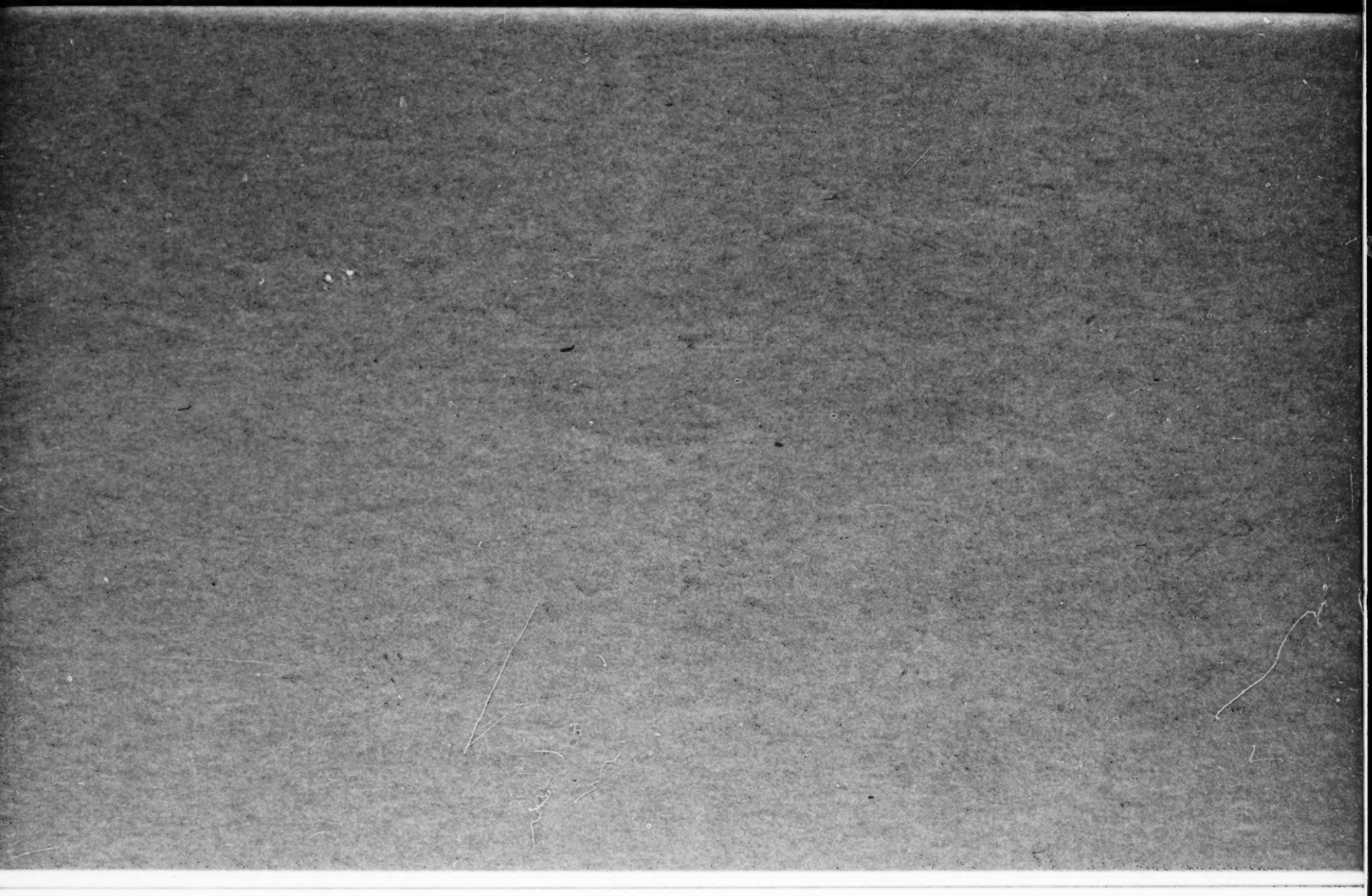

No. S040182

IN THE SUPREME COURT OF CALIFORNIA

IN BANK

IN RE ANTHONY CORNELL BEAN

ON

HABEAS CORPUS

Petitioner's application for leave to supplement the petition is granted. The request to withdraw declarations is denied.

The petition for writ of habeas corpus is denied on the ground that it is untimely, does not identify those claims regarding which petitioner lacked knowledge or advise when he became aware of the factual basis for those claims, and does not adequately explain the delay in investigating and presenting the claims. (In re Clark (1998) 5 Cal.4th 750-774-775.)

Claims II, III, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXIV, XXXVII, XXXVIII, XXXIX, XL, XLI, XLII, XLIII, XLIV, XLV, XLVII, and XLVIII are also procedurally barred in that they were or could have been, but were not, raised on appeal or were waived by failure to preserve them at trial. (In re Harris (1993) 5 Cal.4th 813, 826; In re Clark (1993) 5 Cal.4th 750, 765; In re Waltreus (1965) 62 Cal.2d 218, 225. See also, People v. Bean (1988) 46 Cal.3d 919.)

Claims IV, XXXII, XXXV, XXXVI, XLVI, XLIX, L, LI, LII, and LIII have been considered on their merits (see In re Clark, supra, 5 Cal.4th 750, 797-798), but, in light of the record of the trial and related proceedings, fail to state a prima facie case entitling petitioner to relief.

Mosk, J. is of the opinion an order to show cause should issue.

Chief Justice